IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

And
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 3186 of 2004

Between:

M/s Priyadarshini Cement Limited, 34, Green Towers, Srinagar Colony, Hyderabad - 500 073, rep.by its Advisor (Corporate Affairs), Mr.G.Ramachandran.

..... PETITIONER

AND

1 The Commercial Tax Officer, Kodad, Nalgonda District.
2 The Appellate Deputy Commissioner (CT), Hyderabad Rural Division, Hyderabad.
3 The Additional Commissioner (CT), Nampally, Hyderabad.
4 The Assistant Commissioner (CT)(LTU), Nalgonda Division, Nalgonda.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Certiorari or any other appropriate Writ or Order or direction quashing the order of the 3rd Respondent in CCT Ref.No.LIII(3)/1698/2003 dated 9-12-2003 as arbitrary, unreasonable and unjustified and consequently restrain the 4th Respondent from taking any coercive steps for recovery of disputed tax of Rs.40,34,939/- pending disposal of T.A.No.445 of 2002 by the Sales Tax Appellate Tribunal.

Counsel for the Petitioner: MR.S.DWARAKANATH

Counsel for the Respondent Nos.1 to 4: SPECIAL GP FOR COMMERCIAL TAXES

The Court made the following:

ORAL ORDER: (Per: The Hon'ble Mr. Justice Bilal Nazki)

This Court passed an order on 03-03-2004 directing that, pending further orders, the petitioner shall deposit 1/3rd of the disputed tax. It is submitted that this amount has already been deposited and the appeal is pending before the Tribunal. In view of this position, we do not think that it will serve any purpose to keep this writ petition pending. Since the appeal is pending before the appellate authority and 1/3rd of the disputed tax has been deposited, it will be appropriate to direct the parties to pursue the appeal itself.

The writ petition is, accordingly, disposed of. The order dated 03-03-2004 of this court shall remain operative till the appeal is disposed of and shall be subject to the outcome of the appeal by the Tribunal. The appeal may be disposed of as expeditiously as possible. No costs.

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BILAL NAZKI, J

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S. ANANDA REDDY, J

Dt. 08-11-2004

Pvks/*

To

1 The Commercial Tax Officer, Kodad, Nalgonda District.
2 The Appellate Deputy Commissioner (CT), Hyderabad Rural Division, Hyderabad.
3 The Additional Commissioner (CT), Nampally, Hyderabad.
4 The Assistant Commissioner (CT)(LTU), Nalgonda Division, Nalgonda.

5.2CCs to the Special Government Pleader for Taxes, A.P. High Court Buildings, Hyderabad (OUT).

6.2CD copies

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